

**§ 90.601**

**TABLE 4.—SAMPLING PLAN FOR CODE LETTER  
“C”—Continued**  
[Sample Inspection Criteria]

Stage	Pass No.	Fail No.
47 .....	22	27
48 .....	23	27
49 .....	23	27
50 .....	26	27

<sup>1</sup> Test sample passing not permitted at this stage.  
<sup>2</sup> Test sample failure not permitted at this stage.

**TABLE 5.—SAMPLING PLAN FOR CODE LETTER  
“D”**  
[Sample Inspection Criteria]

Stage	Pass No.	Fail No.
1 .....	( <sup>1</sup> )	( <sup>2</sup> )
2 .....	( <sup>1</sup> )	( <sup>2</sup> )
3 .....	( <sup>1</sup> )	( <sup>2</sup> )
4 .....	( <sup>1</sup> )	( <sup>2</sup> )
5 .....	0	( <sup>2</sup> )
6 .....	0	6
7 .....	1	7
8 .....	2	8
9 .....	2	8
10 .....	3	9
11 .....	3	9
12 .....	4	10
13 .....	4	10
14 .....	5	11
15 .....	5	11
16 .....	6	12
17 .....	6	12
18 .....	7	13
19 .....	7	13
20 .....	8	14
21 .....	8	14
22 .....	9	15
23 .....	9	15
24 .....	10	16
25 .....	11	16
26 .....	11	17
27 .....	12	17
28 .....	12	18
29 .....	13	19
30 .....	13	19
31 .....	14	20
32 .....	14	20
33 .....	15	21
34 .....	15	21
35 .....	16	22
36 .....	16	22
37 .....	17	23
38 .....	17	23
39 .....	18	24
40 .....	18	24
41 .....	19	25
42 .....	19	26
43 .....	20	26
44 .....	21	27
45 .....	21	27
46 .....	22	28
47 .....	22	28
48 .....	23	29
49 .....	23	29
50 .....	24	30
51 .....	24	30
52 .....	25	31
53 .....	25	31
54 .....	26	32

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**TABLE 5.—SAMPLING PLAN FOR CODE LETTER  
“D”—Continued**  
[Sample Inspection Criteria]

Stage	Pass No.	Fail No.
55 .....	26	32
56 .....	27	33
57 .....	27	33
58 .....	28	33
59 .....	28	33
60 .....	32	33

<sup>1</sup> Test sample passing not permitted at this stage.  
<sup>2</sup> Test sample failure not permitted at this stage.

**Subpart G—Importation of  
Nonconforming Engines**

**§ 90.601 Applicability.**

(a) Except where otherwise indicated, this subpart is applicable to engines and vehicles which are offered for importation or imported into the United States and for which the Administrator has promulgated regulations under subpart B of this part prescribing emission standards, but which are not covered by certificates of conformity issued under section 213 and section 206(a) of the Clean Air Act (that is, which are nonconforming engines as defined below) and under subpart B of this part at the time of importation or conditional importation, as applicable. Compliance with regulations under this subpart shall not relieve any person or entity from compliance with other applicable provisions of the Clean Air Act.

(b) Regulations prescribing further procedures for the importation of small SI engines into the Customs territory of the United States, as defined in 19 U.S.C. 1202, are set forth in U.S. Customs Service regulations.

**§ 90.602 Definitions.**

The definitions in subpart A of this part apply to this subpart. The following definitions also apply to this subpart.

*Certificate of conformity.* The document issued by the Administrator under section 213 and section 206(a) of the Act.

*Nonconforming engine.* An engine which is not covered by a certificate of conformity prior to final or conditional admission (or for which such coverage

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## § 90.611

has not been adequately demonstrated to EPA).

*Original engine manufacturer (OEM).* The entity which originally manufactured the engine.

*Original production (OP) year.* The calendar year in which the engine was originally produced by the OEM.

*Original production (OP) years old.* The age of an engine as determined by subtracting the original production year of the engine from the calendar year of importation.

*Production changes.* Those changes in the engine configuration, equipment or calibration which are made by an OEM in the course of engine production and required to be reported under § 90.123.

*United States.* United States includes the Customs territory of the United States as defined in 19 U.S.C. 1202, and the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

### § 90.603 [Reserved]

### § 90.604 General requirements.

(a) A nonconforming engine offered for importation into the United States may only be imported for purposes other than resale under § 90.611, or under the provisions of § 90.612, provided that an exemption or exclusion is granted by the Administrator.

(b) Final admission shall not be granted unless:

(1) The engine is imported for purposes other than resale under § 90.611; or

(2) The engine is exempted or excluded under § 90.612.

(c) An engine offered for importation may be admitted into the United States. In order to obtain admission, the importer must submit to the Administrator a written request for approval containing the following:

(1) Identification of the importer and the importer's address, telephone number, and taxpayer identification number;

(2) Identification of the engine owner, the owner's address, telephone number, and taxpayer identification number;

(3) Identification of the engine including make, model, identification number, and original production year;

(4) Information indicating under what provision of these regulations the engine is to be imported;

(5) Identification of the place where the subject engine is to be stored until EPA approval of the importer's application to the Administrator for final admission;

(6) Authorization for EPA enforcement officers to conduct inspections or testing otherwise permitted by the Act or regulations thereunder; and

(7) Such other information as is deemed necessary by the Administrator.

### § 90.605–90.610 [Reserved]

### § 90.611 Importation for purposes other than resale.

(a) Any individual may import on a one-time basis three or fewer nonconforming engines for purposes other than resale. Such importation by individuals is permitted without modification to the engines and without prior written approval of EPA. Importations under this provision shall be made by completing such applications as required by the Administrator. Such applications shall contain:

(1) Identification of the importer of the engine and the importer's address, telephone number, and taxpayer identification number;

(2) Identification of the engine owner, the owner's address, telephone number, and taxpayer identification number;

(3) The number of engines imported under § 90.611 by the individual;

(4) A statement that the individual has not previously imported any engines under § 90.611;

(5) A statement that the individual is not importing the engines for the purpose of resale;

(6) For each engine imported, identification of the engine including make, model, identification number, and original production year;

(7) Information indicating under what provision of these regulations the engine is to be imported;

(8) Authorization for EPA enforcement officers to conduct inspections permitted by the Act or regulations thereunder;

(9) Such other information as is deemed necessary by the Administrator.